

# HOUSE BILL 363

E1

(1lr1416)

## *ENROLLED BILL*

— *Judiciary/Judicial Proceedings* —

Introduced by **Delegates Simmons, Dumais, Kramer, and Lee**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

#### 2 **Criminal Law – Manslaughter by Vehicle or Vessel – Criminal Negligence**

3 FOR the purpose of making it a misdemeanor for a person to cause the death of  
4 another as a result of the person’s driving, operating, or controlling a vehicle or  
5 vessel in a criminally negligent manner; establishing the circumstances under  
6 which a person is considered to act in a criminally negligent manner for  
7 purposes of this Act; establishing that it is not an offense under this Act for a  
8 person to cause the death of another as a result of the person’s driving,  
9 operating, or controlling a vehicle or vessel in a negligent manner; establishing  
10 certain penalties; stating the intent of the General Assembly with respect to the  
11 interpretation of a certain term; defining a certain term; and generally relating  
12 to criminally negligent manslaughter by vehicle or vessel.

13 BY adding to  
14 Article – Criminal Law

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 Section 2–210  
2 Annotated Code of Maryland  
3 (2002 Volume and 2010 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Criminal Law**

7 **2–210.**

8 (A) IN THIS SECTION, “VEHICLE” INCLUDES A MOTOR VEHICLE,  
9 STREETCAR, LOCOMOTIVE, ENGINE, AND TRAIN.

10 (B) A PERSON MAY NOT CAUSE THE DEATH OF ANOTHER AS THE  
11 RESULT OF THE PERSON’S DRIVING, OPERATING, OR CONTROLLING A VEHICLE  
12 OR VESSEL IN A CRIMINALLY NEGLIGENT MANNER.

13 (C) FOR PURPOSES OF THIS SECTION, A PERSON ACTS IN A CRIMINALLY  
14 NEGLIGENT MANNER WITH RESPECT TO A RESULT OR A CIRCUMSTANCE WHEN:

15 (1) THE PERSON SHOULD BE AWARE, BUT FAILS TO PERCEIVE,  
16 THAT THE PERSON’S CONDUCT CREATES A SUBSTANTIAL AND UNJUSTIFIABLE  
17 RISK THAT SUCH A RESULT WILL OCCUR; AND

18 (2) THE FAILURE TO PERCEIVE CONSTITUTES A ~~SUBSTANTIAL~~  
19 GROSS DEVIATION FROM THE STANDARD OF CARE THAT WOULD BE EXERCISED  
20 BY A REASONABLE PERSON.

21 (D) IT IS NOT A VIOLATION OF THIS SECTION FOR A PERSON TO CAUSE  
22 THE DEATH OF ANOTHER AS THE RESULT OF THE PERSON’S DRIVING,  
23 OPERATING, OR CONTROLLING A VEHICLE OR VESSEL IN A NEGLIGENT MANNER.

24 (E) A VIOLATION OF THIS SECTION IS CRIMINALLY NEGLIGENT  
25 MANSLAUGHTER BY VEHICLE OR VESSEL.

26 (F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
27 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
28 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

29 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
30 General Assembly that the term “~~substantial~~ gross deviation from the standard of  
31 care” in § 2–210(c)(2) of the Criminal Law Article, as enacted by Section 1 of this ~~Act,~~  
32 Act:

1                   (1) be interpreted synonymously with the term “gross deviation from  
2 the standard of care” under § 2.02(2)(d) of the Model Penal Code of the American Law  
3 Institute; *and*

4                   (2) *is a separate and distinct standard from the “gross negligence”*  
5 *standard that is used by and interpreted under § 2-209 of the Criminal Law Article.*

6                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.